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DOI AND DOB ISSUE FINDINGS IN INVESTIGATION OF FATAL ELEVATOR INCIDENT AT 285 MADISON AVE.

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), and ROBERT D. LIMANDRI, Commissioner of the New York City Department of Buildings, issued their agencies' findings in the investigation into the December 14, 2011 elevator incident at 285 Madison Ave. in which an elevator accelerated upwards from the lobby with its doors open, fatally injuring a 41-year-old woman attempting to step into the elevator. DOI and DOB conducted a joint investigation. Investigators interviewed Transel Elevator, Inc. employees who worked on several elevators at the building, including the elevator involved in the incident, and reviewed video footage of the lobby and of the 12th floor, where some of the work was performed. In addition, DOB conducted a series of inspections and tests of the elevators at the building to determine the cause of the incident. DOI and DOB have referred their investigative findings to the office of New York County District Attorney Cyrus R. Vance, Jr. Copies of the agencies' reports follow this release.

The joint investigation found:

- Witness testimony and other evidence support the finding of a forensic examination that the safety circuit was bypassed on elevator 9, the one involved in the fatality, allowing the elevator to accelerate upwards with its doors open.
- Workers from Transel Elevator failed to follow basic safety procedures before the incident, such as placing caution tape across the elevator's door jamb, and notifying DOB to inspect the elevators before putting them back in service, as required by the New York City Building Code.

As a result of Transel's safety failures, DOB today suspended the Private Elevator Agency Director's license of John Fichera, Transel's owner, and will seek to revoke his license at an administrative hearing. The suspension prevents the company from performing any elevator upgrades, new installations, or inspections in the City pending the appointment of a new license holder. In addition, DOB has already issued 23 violations, with a minimum penalty of \$117,000, to Transel, including violations for operating elevator 9 without a certificate of compliance.

DOI Commissioner Rose Gill Hearn said, "The investigation starkly showed elevator safety protocols were ignored. Investigators deconstructed the incident second-by-second to understand what went wrong. These findings are a caution to all licensed building professionals in the City, especially those in the elevator industry: City regulations safeguard New Yorkers and must be followed at all times."

DOB Commissioner Robert D. LiMandri said, "These workers and their supervisors failed to follow the most basic safety procedures, and their carelessness cost a woman her life. New Yorkers who commute to work each day must rely on workers to maintain our buildings in a safe manner at all times, and these employees betrayed that public trust. Failing to post warning signs about the work and allowing this elevator back into service without proper safeguards are clear violations of the Building Code and their blatant disregard for the law and public safety is inexcusable. If these safety measures were in place, this tragedy would have been prevented."

During the two-month investigation, DOB inspectors performed a series of inspections and tests on elevator 9 and its parts, including the controller or circuit wiring, motor, brake, traveling cables, and interlocking devices that control the elevator cab doors and the hoistway doors that open on the lobby floor. With assistance from consultant Lerch Bates, Inc., of Maplewood, N.J., inspectors conducted a mechanical recreation of the incident at 285 Madison Ave., while reviewing Transel Elevator records, surveillance video footage and the history of the elevator device. No program failure, brake failure, power surge, or faulty wiring is believed to have played a role in the incident.

The joint investigation found that interviews of the Transel workers, video security footage, wires found in the elevator control room, and a wire provided to investigators by a Transel mechanic support the conclusion of the forensic examination that the safety circuit on the elevator was apparently bypassed at the time of the fatal incident, allowing the car to move with its doors open. Witnesses testified that an elevator mechanic was using a “jumper” wire the morning of the incident to bypass the safety circuits and move certain elevators, including elevator 9, so workers could gain access to the tops of the elevator cabs. The use of a “jumper” wire is commonplace during maintenance and repairs and is acceptable by industry standards and DOB regulations, but it must be removed before the elevator is put back into service to avoid an unsafe condition.

The video security footage from the lobby shows that seconds before the victim attempted to enter elevator 9, two passengers entered the elevator and pressed call buttons, which would have prompted the cab to move to a higher floor. The elevator rose with the doors open, which DOB and its consultant determined is indicative of a “jumper” wire being used in the control room to bypass the door locks.

DOB has inspected all 13 elevators at 285 Madison Ave., and as of today 11 of them are safe, with two, including elevator 9, remaining out of service. A total of 34 Environmental Control Board (“ECB”) violations have been issued, 11 to the property owner, Young and Rubicam, and 23 to Transel Elevator.

In the weeks following the fatal incident, DOB inspectors conducted the largest safety sweep of elevators in the history of the Buildings Department. The accident elevator was undergoing work related to a periodic test required every five years, and as a result, the citywide sweep focused on other elevator devices with recent work applications and outstanding periodic tests. During the three-week sweep, inspectors performed inspections of 658 elevators at 169 buildings throughout the City. Of the 658 elevators, 370 were serviced by Transel Elevator, who received 71 ECB violations out of a total of 135 issued. No conditions related to the fatal incident were found by inspectors during the sweep.